

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHERMAN WAGNER,

Petitioner,

vs

Case No: 06-10514  
Honorable Victoria A. Roberts

WILLIE O. SMITH,

Respondent.

/

**ORDER REJECTING PRO SE FILINGS BY  
A REPRESENTED PARTY**

The petitioner filed a Motion to Hold Habeas Petition in Abeyance (dk. 30).

Sherman Wagner is represented by counsel.

Federal law permits a party to appear “personally or by counsel.” 28 U.S.C. §1654. This right is “disjunctive; a party may either represent himself or appear through an attorney.” Hall v Dorsey, 534 F. Supp. 507, 508 (E.D. Pa 1982).

There is no right, constitutional or otherwise, to “hybrid representation - the representation at the same time by counsel and *pro se*.” United States v Trapnell, 638 F. 2d 1016, 1027 (7<sup>th</sup> Cir. 1980). Therefore, as part of the latitude accorded district courts in managing their dockets, courts may bar *pro se* filings by represented parties. United States v Agofsky, 20 F. 3d 866, 872 (8<sup>th</sup> Cir. 1994) (finding no error in the court’s refusal to consider *pro se* motion where defendant was represented by counsel); United States v Tracy, 989 F. 2d 1279, 1285 (1<sup>st</sup> Cir. 1993) (“A district court enjoys wide

latitude in managing its docket and can require represented parties to present motions through counsel.”)

Accordingly, the motion is **STRICKEN** and forwarded to his counsel without further consideration. Future filings are similarly barred so long as petitioner continues to be presented by counsel.

**IT IS ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: November 13, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 13, 2009.

s/Carol A. Pinegar

Deputy Clerk